

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

NOTICE OF PROPOSED REGULATORY ACTION

TITLE 13, CALIFORNIA CODE OF REGULATIONS
DIVISION 2, CHAPTER 6.5, AMEND ARTICLE 1, SECTION 1201; ARTICLE 3,
SECTIONS 1212 AND 1213.

DRIVERS' HOURS OF SERVICE – MOTION PICTURE PRODUCTION (CHP-R-09-14)

The California Highway Patrol (CHP) proposes to amend the Motor Carrier Safety Regulations contained in Title 13, California Code of Regulations (13 CCR) to be consistent with the current version of adopted federal regulations in Title 49, Code of Federal Regulations (49 CFR), Part 395.

INFORMATIVE DIGEST/PLAIN ENGLISH OVERVIEW

Title 13 CCR, Division 2, Chapter 6.5 contains the CHP Motor Carrier Safety Regulations. Article 1, Sections 1200 through 1202.2, contain the Definitions and General Provisions; Article 3, Sections 1212 through 1218, contain the General Driving Requirements.

This rulemaking action adopts an exemption, for the motion picture industry, that allows drivers under specific conditions, to operate using intrastate hours of service rules in effect prior to November 11, 2007, which is essentially identical to a recently adopted exemption, for the motion picture industry, by the Federal Motor Carrier Safety Administration. By adopting the essentially identical regulations, this rulemaking action will enhance the competitiveness of California by eliminating or modifying, to the extent possible, regulations that represent a negative impact on businesses by conflicting with updated federal regulations. Also, this rulemaking will allow the CHP to comply with the requirements of California Vehicle Code (VC), Section 34501.2, and remain consistent with regulations adopted by the United States Department of Transportation. This rulemaking also updates 13 CCR references concerning recently adopted regulation and adds additional clarifying language.

PUBLIC COMMENTS

Any person may submit written comments on the proposed action via facsimile at (916) 446-4579 or by writing to:

California Highway Patrol
Commercial Vehicle Section - 062
ATTN.: Gary Ritz
PO Box 942898
Sacramento, CA 94298-0001

Written comments will be accepted until 5:00 P.M., June 22, 2009.

No public hearing has been scheduled. If any person desires a public hearing, a written request must be received by the CHP, Commercial Vehicle Section (CVS), no later than 15 days prior to the close of the written comment period.

AVAILABILITY OF INFORMATION

The CHP has available for public review an initial statement of reasons for the proposed regulatory action, the information upon which this action is based (the rulemaking file), and the proposed regulation text. Requests to review or receive copies of this information should be directed to the CHP at the above address, by facsimile at (916) 446-4579 or by calling the CHP, CVS, at (916) 445-1865. Facsimile requests for information should include the following information: the title of the rulemaking package, the requester's name, proper mailing address (including city, state and zip code), and a daytime telephone number in case the information is incomplete or illegible.

The rulemaking file is available for inspection at the CHP, CVS, 444 North Third Street, Sacramento. Interested parties are advised to call for an appointment.

All documents regarding the proposed action are also available through our website at www.chp.ca.gov/regulations.

Any person desiring to obtain a copy of the adopted text and a final statement of reasons may request them at the above noted address. Copies will also be posted on our website.

CONTACT PERSON

Any inquiries concerning the written materials pertaining to the proposed regulations should be directed to Mr. Gary Ritz, or Mr. Greg Bragg, CHP, CVS, at (916) 445-1865. Inquiries regarding the substance of the proposed regulations should also be directed to Mr. Ritz or Mr. Bragg.

ADOPTION OF PROPOSED REGULATIONS

After consideration of public comments, the CHP may adopt the proposal substantially as set forth without further notice. If the proposal is modified prior to adoption and the change is not solely grammatical or nonsubstantive in nature, the full text of the resulting regulation, with the changes clearly indicated, will be made available to the public for at least 15 days prior to the date of adoption.

FISCAL AND ECONOMIC IMPACT

The CHP has made an initial determination that this proposed regulatory action: (1) will have no affect on housing costs; (2) will not impose any new mandate upon local agencies or school districts; (3) involves no nondiscretionary or reimbursable costs or savings to any local agency or school district, nor costs or savings to any state agency, or federal funding to the state; (4) will neither create nor eliminate jobs in the State of California nor result in the elimination of existing

businesses or create or expand businesses in the State of California; and (5) will not have a significant statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states. The regulated community is encouraged to respond during the comment period of this regulatory process if significant impacts are identified.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

The CHP is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

EFFECT ON SMALL BUSINESSES

The CHP has determined that the proposed regulation will not affect small business. The overlying statute (34501.2 VC) mandates California's drivers' hours of service regulations applicable to all drivers of commercial motor vehicles, remain consistent with federal drivers' hours of service regulations. This proposal will amend those regulations as required by statute. However, the regulated community is encouraged to respond during the public comment period of this regulatory process if significant impacts are identified.

ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the CHP must determine that no reasonable alternative considered by the CHP, or that has otherwise been identified and brought to the attention of the CHP, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action. The CHP invites interested parties to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

AUTHORITY

This regulatory action is being taken pursuant to Sections 31401, 34501, 34501.5 and 34508 VC; and Section 39831 of the Education Code (EC).

REFERENCE

This action implements, interprets, or makes specific Sections 545, 546, 31401, 34003, 34501, 34501.2, 34501.5 and 34508 VC; and Section 39831 EC.

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL
D. A. VERTAR, Chief
Enforcement Services Division